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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MARK J. GOSSETT,

9 Plaintiff,

10 v.

11 JASON BENETT,

12 Defendant.

CASE NO. 3:24-cv-5433

ORDER ADOPTING R&R AND
DISMISSING CASE

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14 Before the Court is the Report and Recommendation (R&R) of the Honorable
15 Brian A. Tsuchida, United States Magistrate Judge, on Petitioner Mark Gossett's
16 petition for writ of habeas corpus. Dkt. No. 13. Gossett filed his petition June 10,
17 2024. Dkt. No. 5. The R&R recommends dismissal of Gossett's petition for lack of
18 jurisdiction, as the petition is an unauthorized second or successive petition. Dkt.
19 No. 13 at 2. The R&R further recommends declining to issue a certificate of
20 appealability and denying Petitioner's supporting motions at Dkt. Nos. 6–13 as
21 moot.
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1 Petitioner filed two motions after the R&R issued (Dkt. Nos. 14 and 16), but
2 neither filing can be construed as an objection to the R&R. Thus, no one has
3 objected to the R&R and the time for objecting has passed. *See generally* Dkt.
4 Because there were no objections, the Court may adopt the R&R if it is satisfied
5 there are no clear errors on the face of the record. Fed. R. Civ. P. 72(b) Advisory
6 Committee's Note to 1983 Amendment. The Court agrees with Judge Tsuchida's
7 conclusion that this case should be dismissed without leave to amend because it is
8 an unauthorized second or successive habeas petition.

9 Based on its review of the R&R, the record, and the law, the Court ORDERS
10 as follows:

- 11 1. The Court ADOPTS the Report and Recommendation at Dkt. No. 13.
- 12 2. The Petition at Dkt. No. 5 and this habeas action are DISMISSED WITH
13 PREJUDICE.
- 14 3. All of Petitioner's remaining motions (Dkt. Nos. 6, 7, 8, 9, 10, 11, 12, 14,
15 and 16) are DENIED AS MOOT.
- 16 4. A certificate of appealability is DENIED.
- 17 5. The Court ENTERS Judge Tsuchida's proposed Judgment, Dkt. No. 13-1.
- 18 6. The Clerk is DIRECTED to send copies of this Order and the entered
19 Judgment to Petitioner and Judge Tsuchida.

20 Dated this 16th day of July, 2024.

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22 Jamal N. Whitehead
23 United States District Judge